

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 4:21CR300
	§	Judge Jordan
JOHN DAVID HARTUNG (2)	§	

ELEMENTS OF THE OFFENSE

The defendant is charged in Count One of the **Fourth Superseding Indictment** with a violation of 21 U.S.C. § 846, Conspiracy to Possess with Intent to Manufacture and Distribute Heroin and Methamphetamine. The essential elements which must be proven to establish the offense are as follows:

- First: That the defendant and one or more persons, directly or indirectly, reached an agreement to commit the crime charged in the **Fourth Superseding Indictment**, that is, to possess with the intent to manufacture and distribute methamphetamine;
- Second: That the defendant knew of the unlawful purpose of the agreement;
- Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose;
- Fourth: That the overall scope of the conspiracy involved 1 kilogram or more of a mixture or substance containing a detectable amount of heroin, and 500 grams or more of a mixture or substance containing

a detectable amount of methamphetamine or 50 grams or more of methamphetamine (actual); and

Fifth: That the defendant knew or reasonably should have known that the scope of the conspiracy involved 1 kilogram or more of a mixture or substance containing a detectable amount of heroin, and 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine or 50 grams or more of methamphetamine (actual).

Respectfully submitted,

DAMIEN M. DIGGS
UNITED STATES ATTORNEY

/s/ _____
HEATHER RATTAN
Assistant United States Attorney
101 E. Park Blvd., Suite 500
Plano, Texas 75074
(972) 509-1201
Heather.Rattan@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed via electronic filing to defense counsel on October 9, 2024.

/s/ _____
HEATHER RATTAN
Assistant United States Attorney